

**GOVERNMENT OF INDIA
CORPORATE AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2265

ANSWERED ON:14.03.2008

COMPETITION COMMISSION OF INDIA

Kharventhan Shri Salarapatty Kuppasamy;Panda Shri Prabodh;Rao Shri Kavuru Samba Siva

Will the Minister of CORPORATE AFFAIRS be pleased to state:

- (a) whether the Government has constituted the Competition Commission of India;
- (b) if so, the details of composition and functions of the Commission;
- (c) whether the Commission is fully functional ; and
- (d) if not, the time by which the Commission is likely to be operational?

Answer

THE MINISTER OF CORPORATE AFFAIRS (SHRI PREM CHAND GUPTA)

(a) to (d). The Competition Commission of India was established in October, 2003 but could not be duly constituted under the Competition Act, 2002 due to legal challenge before the Supreme Court. The Supreme Court delivered its judgement in the matter in January, 2005. Keeping in view the ruling of the Apex Court and the need to provide an appropriate institutional structure for regulation of competition in India, some amendments were proposed to the Competition Act, 2002. These proposals were included in the Competition (Amendment) Act, 2007 which was approved by the Parliament in Monsoon Session, 2007 and has since been enacted. The Competition Act, 2002, as amended, provides that the Commission shall consist of a Chairperson and not less than two and not more than six other members. There shall also be a Competition Appellate Tribunal to hear and decide appeals against the orders of the Commission and to decide on matters relating to compensation.

The Commission presently comprises only one Member and as such is not in a position to take up enforcement functions under the Competition Act. The Competition Appellate Tribunal is yet to be established. Action has since been initiated to duly constitute the Commission and the Competition Appellate Tribunal and provide necessary infrastructure and staff. The Commission is likely to become fully operational during 2008-09.